

Serial No. 10/555,850
Art Unit 2611

PU030150
Customer No. 24498

REMARKS

Applicant has reviewed the application in light of the Office Action dated May 12, 2010. Claims 1–15 remain pending in the application. Applicant requests reconsideration of the rejections in light of the following discussion of the cited references is respectfully requested.

Objection to the Drawing

Applicants acknowledge the examiner's objection to FIG. 1 as lacking the legend "prior art": To that end, applicants request they be allowed to correct FIG. 1 in the manner indicated on the attached copy. Upon the examiner's approval, applicant will submit a replacement sheet.

35 U.S.C. § 102(b) Rejection of Claims 1 and 7-8

Claims 1 and 7–8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,222,980 to Asai et al. (hereinafter "Asai").

Claim 1 recites, *inter alia*, "detecting a valid synchronization sequence within an incoming LTC frame **while measuring** a predetermined symbol interval relative to a reference clock." Claim 8 recites analogous language. The Examiner asserts that Asai teaches this element in its timer 12.

However, applicant's claim recites detecting a valid synchronization sequence *while* measuring a symbol interval. Applicant's specification emphasizes this point at Page 33, lines 22-23 which describes "Detecting a valid bi-phase-mark sync sequence while simultaneously measuring the current frame's half-symbol interval." (Page 3, lines 22–23) While the Examiner suggests Asai's timer as teaching this element, the Asai patent contains no discussion of detecting a synchronization sequence *while* measuring a symbol interval.

The Asai patent deals with symbol intervals (e.g., pulse widths) separately. (See, for example, Figures 9 and 10.) In particular, Asai states that FIGS. 9 and 10 illustrate the step of finding the logic state of every bit in an LTC signal. Steps 302 and 304 specifically "measure pulse width." These steps take place strictly *before* Asai deals with sync words, starting in

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blocks 312 and 324. Asai uses the pulse width to determine the value of each bit. (See Asai, Column 11, lines 59–65 and FIG. 9, blocks 303–309. Asai *needs* this information to determine whether the sync word begins and ends. (See Asai, FIG. 10, blocks 315–335.)

Furthermore, with respect to the embodiment of Asai cited by the Examiner in FIG. 4, applicants direct the examiner to Column 7, lines 46–65 where Asai describes finding pulse width information in response to a direction signal. Asai obtains this direction signal from direct knowledge of the tape movement. Asai has no need for a synchronization signal at that time. Therefore, Asai deals with its pulse width measurements in a manner that is completely divorced from any consideration of synchronization. Applicant respectfully asserts that Asai fails to disclose or suggest measuring a symbol interval at the same time as it detects a synchronization sequence.

In view of the foregoing claims 1 and 8 patentably distinguish over the art of record and warrant allowance. Claim 7 depends from claim 1 and includes all of the elements of its parent claim. Therefore, claim 7 patentably distinguishes over the art of record and warrants allowance.

35 U.S.C. § 103(a) Rejection of Claims -6 and 9-15,

Claims 2–6 and 9–15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asai.

Claims 2–6 and 9–12 depend from claims 1 and 8 respectively and therefore include all of the elements of their parent claims as discussed above. Applicant respectfully asserts that Asai fails to disclose or suggest all of the elements of claims 1–12. In addition, the Examiner has not made a *prima facie* case for obviousness against any of claims 2–6 or 9–15. The Examiner has not referred to any art to cure these deficiencies of Asai. Instead, the Examiner has simply asserted, without any support whatsoever, that each of the elements would have been obvious to those having ordinary skill in the art.

MPEP § 2141(III) states, "The prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of

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ordinary skill in the art.” The Examiner has not made any effort to provide a rationale for modifying Asai with respect to *any* of the claims rejected as obvious.

Furthermore, the Examiner has not taken any measures to prevent the application of impermissible hindsight. As MPEP §2141.01(III) makes clear, the “content of the prior art is determined at the time the invention was made to avoid hindsight.” Avoiding hindsight requires finding references dated *prior to* the time of invention. The Examiner’s bare assertions regarding the knowledge of those skilled in the art, in particular with respect to how the features of the claims interrelate, stem clearly from the Examiner’s own present knowledge, rather than an analysis of the state of the art prior to the date of invention.

As such, applicant asserts that the Examiner has failed to establish a *prima facie* case for obviousness against claims 2–6 and 9–15. In particular, the Examiner has failed to adequately establish the scope and content of the prior art and, furthermore, has failed to provide a rationale for modifying the reference.

In addition, applicant’s claims recite features which are novel and non-obvious over Asai. For example, claim 13 recites, *inter alia*, “a first counter for measuring a predetermined symbol interval relative to a reference clock; a second counter for counting sync pulses within the incoming LTC frame; a third counter for counting data symbols within the incoming LTC frame; a shift register and a state machine responsive to the counts of the first, second and third counters.” The Examiner has asserted that each structural element of the claim, including each of the counters and the state machine, would have been obvious to add to Asai.

Asai does not teach any of applicant’s counters, shift register, or state machine. Indeed, these features have no place in Asai. For example, rather than using a counter, Asai determines pulse widths by taking a difference between two time values. (*See* Col. 11, lines 50–58.) Asai has no need for a counter to perform such a task and, as such, neither discloses nor suggests a first counter for measuring a predetermined symbol interval.

Furthermore, even if Asai disclosed or suggested the individual features of applicant’s claim, the claim recites that *the state machine is responsive to the three counters*. This relationship constitutes a claim feature for which the examiner must take account. The examiner cannot simply find a state machine and three counters in the prior art. Rather, claim 13 defines a specific relationship between these structures neither disclosed nor suggested in the art.

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For at least the above reasons, Asai neither discloses nor suggests all of the elements of claim 13. Claims 14-15 depend from claim 13 and include all of the elements of their parent claim. Therefore, claims 13-15 warrant allowance.

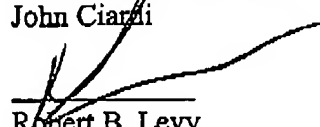
Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,
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